

Appl. No. 10/823,132

Amdt. dated September 8, 2008

Request for continued examination after final office action of June 6, 2008

### Remarks

This amendment accompanies the filing of a REQUEST FOR CONTINUED EXAMINATION following the Final Office Action mailed on June 6, 2008. The Office Action rejected Claims 29-36, 38, 40-44, and 46-48 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 7,051,211 ("Matyas"). Claims 37, 39, and 45 are rejected under 35 U.S.C. § 103(a) as obvious in light of Matyas and U.S. Patent 6,104,815 ("Alcorn").

Applicant has amended independent Claims 29, 38, 44 and 49. No new matter has been added. Applicant respectfully requests the Examiner to reconsider the present application in view of the following remarks. Applicant submits that all pending claims are in condition for allowance.

#### Independent Claim 29

Independent Claim 29 recites receiving a secured data product comprising an encrypted first portion and an unencrypted second portion; the unencrypted second portion being unusable by the computing platform before decrypting the encrypted first portion. After decrypting the second portion, Claim 29 recites executing an application program on the computing platform to use the data product for an intended purpose, wherein the application program is not included with the data product, and wherein the application program being installed on the computing platform prior to the step of receiving the secured data product. Claim 29 is not anticipated by Matyas because Matyas fails to disclose or suggest these claim elements.

Briefly, Matyas discloses a system for controlling the installation of software. (See Matyas: column 8, lines 25-29). In the Matyas method, the software is distributed as an encrypted portion and an unencrypted portion to the target processing system for installation. The installation process starts with the execution of the unencrypted portion of the software on the target processing system. During the execution of the unencrypted portion of the software, it is determined whether the client is authorized to install the software. If so, the encrypted portion is decrypted and the software is installed. (See Matyas: Figure 4, column 9, lines 5-13, 34-41). For example as shown in Figure 3, the software is an application program 10 with encrypted portion 12 and unencrypted portion 14. To install the application program 10, the unencrypted portion 12 is run to carry out the operations for installation of the application program 10. (See Matyas: Figure 3, column 12, lines 43-56).

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Matyas fails to disclose the encrypted portion and unencrypted portion of a data product; rather, Matyas teaches software program, such as an application program, having an encrypted portion and an unencrypted portion. (See Matyas: Figure 3, column 12, lines 43-56). Matyas also fails to disclose and teaches away from the recited limitations that the unencrypted portion of the data product is not usable before decrypting the encrypted portion. In contrast, the unencrypted portion of Matyas is used (executed) on the computing platform to perform the installation process. Furthermore, Matyas teaches away from the claim elements of the application program is not included with the data product, and the application program is installed on the computing platform prior to the step of receiving the secured data product. In Matyas, the application program itself is divided into the encrypted portion and the unencrypted portion and the application program is installed by executing the unencrypted portion. Moreover, Matyas shows that data 256 is included with the encrypted and unencrypted portions of the application program instead of the recited claim element of the data product comprising encrypted portion and unencrypted portion. (See Matyas: Figure 3).

For at least these reasons, the Applicant respectfully requests the rejection of independent Claim 29 be withdrawn.

#### Independent Claim 38

Independent Claim 38 recites a data storage medium holding a set of data comprising an encrypted first portion and an unencrypted second portion of the data product, the unencrypted portion is unusable before decrypting the encrypted portion. Claim 38 also recites a routine executable by the processor for decrypting the encrypted first portion of the data product. Claim 38 is not anticipated by Matyas because Matyas fails to disclose or suggest these claim elements.

Matyas fails to disclose the encrypted portion and unencrypted portion of a data product; rather, Matyas teaches software program, such as an application program, having an encrypted portion and an unencrypted portion. (See Matyas: Figure 3, column 12, lines 43-56). Matyas also fails to disclose and teaches away from the recited limitations that the unencrypted portion of the data product is not usable before decrypting the encrypted portion. In contrast, the unencrypted portion of Matyas is used (executed) on the computing platform to perform the installation process. Furthermore, Matyas teaches away from the claim elements of the routine executable by the processor for decrypting the encrypted first portion of the data product. In

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Matyas, the unencrypted portion is executed to decrypt the encrypted portion. The Office Action cannot rely on the same unencrypted portion of Matyas for both the recited claim elements of the unencrypted portion of the data product and the routine for decrypting.

For at least these reasons, the Applicant respectfully requests the rejection of independent Claim 38 be withdrawn.

#### Independent Claim 44

Independent Claim 44 recites a data product comprising an encrypted first portion and an unencrypted second portion, the unencrypted portion is unusable before decrypting the encrypted portion. For similar reasons discussed above, Matyas fails to disclose or suggest this claim element. The Applicant respectfully requests the rejection of Claim 44 be withdrawn.

#### Independent Claims 49

Applicant has amended independent Claims 49 to more clearly recite one aspect of the present invention. Amended Claim 49 recites dividing the database into a first portion and second portion. The first portion comprises the critical data selected from the group consisting of: decompression parameters, indices, and global data; and first portion with the critical data is encrypted. The first portion and the second portion of the database are not usable before decrypting the first portion. Claim 49 is not anticipated by Matyas because Matyas fails to disclose or suggest these claim elements.

First, as discussed above, Matyas fails to disclose and teaches away from the recited limitations that the unencrypted portion is not usable before decrypting the encrypted portion. Additionally, Matyas fails to disclose the critical data of the encrypted first portion comprising decompression parameters, indices or global data of the database. The Office Action at page 2 referred to column 10, lines 25-33 of Matyas for disclosing the critical data of parameters relating to hashing being contained within the unencrypted portion.

Applicants respectfully point out that the identified section of Matyas does not disclose the claim element of the critical data of the encrypted first portion; in contrast, Matyas discloses the hashing as contained within the unencrypted second portion. (See Matyas: column 10, lines 25-33). That is, the claimed invention recites that the critical data is in the encrypted portion, whereas Matyas has the hashing in the unencrypted portion. Furthermore, Matyas discloses

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cryptographic hash function with the unencrypted portion, when executing, receiving A and computing the key  $K = \text{Hash}(S, A)$ . (See Matyas: column 10, lines 25-33). This cryptographic hash function is not one of the recited claim elements corresponding to critical data of decompression parameters, indices, and global data.

For at least these reasons, the Applicant respectfully requests the rejection of independent Claims 49 be withdrawn.

Dependent Claims 30-37, 39-43 and 45-48

Applicant's dependent Claims 30-37, 39-43 and 45-48 are allowable at least for the reason that they depend upon allowable base claims. In addition, these claims include features that are not disclosed by the cited references.

**Conclusion**

With the present response, all the issues in the Office Action mailed June 6, 2008 have been addressed. Applicant submits that the present application has been placed in condition for allowance. If any issues remain, the Examiner is requested to call the undersigned at the telephone number indicated below.

Respectfully submitted,



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